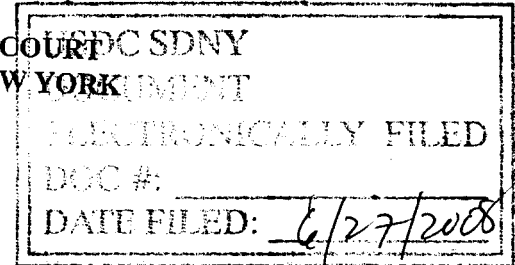


Paulo Y, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



ROOCHI TRADERS INCORPORATED,

Plaintiff,

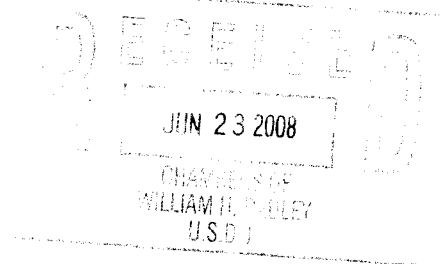
-against-

TIP TOP TEES INC., GLAMOUR LINE INC.,
GLAMOUR (USA), INC., ALPHA
MERCHANDISING CORP., ROSE DEAL,
INC., HARYASH PAUL, MOHAMMED
RAHMAN, MOHAMMED FAROQUE, JOHN
DOES 1-10, JANE DOES 1-10, and XYZ
COMPANIES 1-10,

Defendants.

CIVIL ACTION NO. 08-CV-3544 (WHP)

**CONSENT JUDGMENT AND
PERMANENT INJUNCTION**



WHEREAS, Roochi Traders Incorporated ("Roochi" or "Plaintiff"), since at least as early as 2002, Roochi has been manufacturing, advertising, offering for sale, selling and distributing in interstate commerce and in the State of New York, apparel bearing the trademark COTTON HERITAGE (the "COTTON HERITAGE Mark");

WHEREAS, Roochi is the owner of, *inter alia*, the entire right, title and interest in and to US Trademark Registration No. 2,353,386 for the mark COTTON HERITAGE for apparel;

WHEREAS, Roochi filed a complaint in this Court on April 11, 2008 against Defendants Tip Top Tees Inc., Glamour Line Inc., Alpha Merchandising Corp., Rose Deal, Inc., Haryash Paul, Mohammed Rahman, Mohammed Faroque, John Does 1-10, Jane Does 1-10, and XYZ Companies 1-10, alleging trademark counterfeiting, trademark infringement, racketeering activities, and related claims;

WHEREAS, Defendants Tip Top Tees Inc., Glamour Line Inc., Alpha Merchandising Corp., and Haryash Paul (the "Paul Defendants") have counter-claimed against Roochi for defamation;

WHEREAS, Roochi and Paul Defendants have agreed to enter into this Consent Judgment and Permanent Injunction to resolve the foregoing dispute, and all issues involved therein, without further resort to litigation and without liability for any act or omission being admitted by any of them;

It is THEREFORE hereby ORDERED, ADJUDGED and DECREED that:

1. This Court has jurisdiction over the entire subject matter and parties in this action as set forth in the Complaint under the Trademark Act as amended, 15 U.S.C. §§ 1051 - 1127, and under the laws of the State of New York. Venue is proper in this district under 28 U.S.C. § 1391, in that the Defendants are doing business and may be found in this District, and in that a substantial part of the events and omissions giving rise to the claims herein have occurred in this District.
2. The Paul Defendants acknowledge Roochi's ownership of and the validity of its COTTON HERITAGE trademark and U.S. Reg. No.2,353,386.
3. The Paul Defendants, and their partners, officers, agents, servants and employees, successors and assigns, and all others in active concert or participation with any of them, and any new or unknown entity(s) formed or controlled by any of the Paul Defendants, shall be and are hereby permanently enjoined and restrained from all of the following:
 - A. using or otherwise infringing Plaintiff's COTTON HERITAGE Mark ("Plaintiff's Mark") or any reproduction, counterfeit, copy or colorable imitation of Plaintiff's Mark in

connection with the manufacture, distribution, advertising, offer for sale and/or sale of merchandise not the genuine products of Plaintiff, or in any manner likely to cause others to believe that the Paul Defendants' products are connected with Plaintiff or Plaintiff's genuine merchandise bearing Plaintiff's Mark; and

B. passing off, inducing or enabling others to sell or pass off any t-shirts or other apparel or items which are not Plaintiff's genuine merchandise as and for Plaintiff's genuine merchandise; and

C. committing any other acts calculated to cause purchasers and/or the general public to believe that Paul Defendants' products are Plaintiff's genuine merchandise unless they are such; and

D. shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner apparel or other items falsely bearing Plaintiff's Mark, or any reproduction, counterfeit, copy or colorable imitation of same;

E. inducing, encouraging, aiding, abetting or contributing to any of the aforesaid acts;

F. moving, destroying, or otherwise disposing of any products, labels, or other items, merchandise, or documents bearing, relating to or used for reproducing Plaintiff's Mark or any reproduction, counterfeit, copy or colorable imitation thereof; and

G. removing, destroying or otherwise disposing of any computer tapes or disks, business records or documents relating in any way to the manufacture, acquisition, purchase, distribution or sale of goods bearing Plaintiff's Mark or any reproduction, counterfeit, copy or colorable imitation thereof.

4. The Paul Defendants shall pay Roochi the sum of \$13,173.50. On the same date that the Paul Defendants sign this Consent Judgment and Permanent Injunction, the Paul Defendants shall deliver by hand to Roochi's counsel a certified or cashier's check in the above amount. Each party will bear its own costs and attorneys' fees that have accrued on or before the execution of this Consent Judgment and Permanent Injunction. The aforesaid sum of \$13,173.50 is additionally in full satisfaction of a judgment entered on March 1, 2008 in the Civil Court of the City of New York, County of New York, under Index No. 040125-CVN-2007, which names Glamour Line Inc. (a Paul Defendant) as judgment debtor and Roochi as judgment creditor. On payment of said sum to Roochi as aforesaid, Roochi shall forthwith file in the aforesaid Civil Court of the City of New York an affidavit of satisfaction of said judgment and shall then forward a copy of said affidavit of satisfaction, with proof of filing thereof, to counsel for the Paul defendants, James Montgomery, Esq. (address below). James Montgomery hereby undertakes to supply form for such affidavit to counsel for Roochi.

5. Any act by any of the Paul Defendants, their officers, agents, servants and employees and/or any persons in active concert or participation with them in violation of any of the terms thereof may be considered and prosecuted as contempt of this Court.


6. In the event that this Court (S.D.N.Y.) shall determine that there has been any material breach of any term of this Consent Judgment and Permanent Injunction, the Paul Defendants shall pay Roochi \$50,000 in liquidated damages and shall also pay Roochi's reasonable attorneys' fees in connection with any enforcement of this Consent Judgment and Permanent Injunction order.

7. The Court shall retain such jurisdiction over this action to enforce the terms of this Consent Judgment and Permanent Injunction.

8. This Consent Injunction constitutes the Court's Judgment pursuant to Fed. R. Civ. P. 54.

SO ORDERED:


Dated: June 24, 2008


The Honorable William H. Pauley III
United States District Court Judge

Approved:

KENYON & KENYON LLP

By

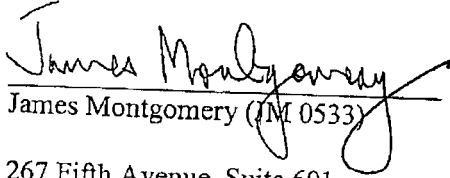

Michelle Mancino Marsh (MM 1494)
Mimi K. Rupp (MR 0007)

One Broadway
New York, New York 10004
Tel.: (212) 425-7000

Attorneys for Plaintiff

ROOCHI TRADERS INCORPORATED
THE LAW OFFICES OF JAMES MONTGOMERY

By


James Montgomery (JM 0533)

267 Fifth Avenue, Suite 601
New York, New York 10016
(212) 889-9828

Attorneys for Defendants

TIP TOP TEES INC., GLAMOUR LINE INC.,
ALPHA MERCHANDISING CORP.,
and HARYASH PAUL

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

Date:

In Re:

-v-

Case #:

()

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

J. Michael McMahon, Clerk of Court

by: _____

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

-V-	X X	NOTICE OF APPEAL civ. ()
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Notice is hereby given that _____
(party)
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the _____ day of _____, _____
(day) (month) (year)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**MOTION FOR EXTENSION OF TIME
TO FILE A NOTICE OF APPEAL**

civ.

()

Pursuant to Fed. R. App. P. 4(a)(5), _____ respectfully
(party)
requests leave to file the within notice of appeal out of time. _____
(party)
desires to appeal the judgment in this action entered on _____ but failed to file a
(day)
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

()

(Telephone Number)

Note: You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 2

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**NOTICE OF APPEAL
AND
MOTION FOR EXTENSION OF TIME**

civ. ()

1. Notice is hereby given that _____ hereby appeals to
(party)
the United States Court of Appeals for the Second Circuit from the judgment entered on _____.
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time

(party)
respectfully requests the court to grant an extension of time in
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, _____ states that
(party)
this Court's judgment was received on _____ and that this form was mailed to the
(date)
court on _____
(date)

(Signature)_____
(Address)_____
(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 3

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-----X
-V-
-----X

AFFIRMATION OF SERVICE

civ. ()

I, _____, declare under penalty of perjury that I have
served a copy of the attached _____

upon _____

whose address is: _____

Date: _____
New York, New York

(Signature)

(Address)

(City, State and Zip Code)

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006